

USSN. 09/869,841
Examiner: AMIRI, NAHID
Group A.U.: 3635

Remarks

It is observed that the Examiner rejected claims 20-22 and 34-37 as being obvious over US-6,023,889 (Husting) in view of US-5,852,837 in the name of Husting.

It is also observed that the Examiner considered claims 23-33 as being allowable provided that they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner also rejected claim 20 as being indefinite since the use of the term "enclosure or door" is misleading for the protection that is sought.

Accordingly, the applicant has amended claim 20 deleting the wording "or door" wherever it appeared.

It is believed that pending claim 20 is unobvious over the cited prior art documents, since the combination of US-5,852,837 with US-6,023,889 would not lead the skilled man to obtain a shower apparatus wherein the shower tray is combined with an enclosure arranged above the shower tray, not in contact with it, and inside the perimeter of the shower tray.

Accordingly, reconsideration of pending claim 20 is respectfully requested.

The applicant has also drafted a second set of claims 39-57, wherein independent claim 39 contains all of the features of originally filed claims 20 and 23. Claim 23 has already been considered as being allowable by the Examiner and accordingly claims 39-59 should allowable too.

Finally, the applicant has drafted a third set of claims 58-75, wherein independent claim 58 recites all of the features of pending claim 20 with in addition the feature according to which a channel 34 is defined in the bottom of the shower tray, along

USSN. 09/869,841

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Group A.U.: 3635

its perimeter, and is arranged substantially below the lower edge of the enclosure, adjacent to the upper edge of the shower tray.

The new independent claim 58 is believed to be both new and inventive over the prior art of record since none of the documents show in combination a shower tray and an enclosure, wherein the enclosure is suspended above the shower tray, being arranged inside the perimeter of the shower tray, with a channel defined in the shower tray, substantially below the lower edge of the enclosure and adjacent to the upper edge of the shower tray.

The channel has the dual purpose of collecting water that gathers on the bottom of the shower tray and at the same time prevents water that falls on the bottom of the shower tray from getting out of the shower tray, bouncing on the bottom of the shower tray and then escaping outside between the lower edge of the enclosure and the upper edge of the shower tray.

To obtain a similar result, US-5,852,837 is obliged to provide for element 68 (see figure 3) that is arranged substantially below the lower edge of the enclosure. This is an additional element that adds up both to the cost and complexity of the whole assembly.

It should be noted, however, that the element disclosed in US-'837 and indicated by the reference numeral 14 is a floor outside pan and not a shower tray.

The new independent claim 58 is thus believed to be in an allowable condition, as well as its dependent claims 59-75.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

While it is believed that the amended claims properly define the present invention, applicant would be open to any suggestion the Examiner may have concerning

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Group A.U.: 3635

different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



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